

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

DILANG DAT,

Defendant.

8:22–CR–147

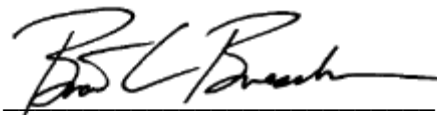
**MEMORANDUM AND ORDER ON
DEFENDANT’S MOTION TO DISMISS**

Defendant Dilang Dat filed a “Motion to Extend” seeking additional time to file a reply brief to the Government’s Brief Opposing his Motion to Dismiss. [Filing 235 at 1](#). The Court will deny this Motion for the following reasons. First, reply briefs on such criminal motions are not customary in this Court. *See* NECrimR 12.3(c)(1) (contemplating responses to motions, but not reply briefs); *cf.* NECrimR 59.2(a) (noting that when a party objects to a Magistrate Judge’s Order or Findings and Recommendations, “The objecting party may not file a reply brief without the court’s leave”). Second, the Court already issued an Order on March 20, 2024, denying Dat’s Motion to Dismiss. [Filing 234](#). In fairness, Dat’s Motion to Extend is postmarked March 19, 2024, which means that he would not have been aware of this Court’s Order at the time he submitted this Motion. Still, the Court’s prior Order explains that Dat is not entitled to the relief he seeks under clear and binding Eighth Circuit precedent. A reply brief would be futile. Thus,

IT IS ORDERED: Dat’s Motion to Extend, [Filing 235](#), is denied.

Dated this 22nd day of March, 2024.

BY THE COURT:



Brian C. Buescher
United States District Judge